

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

CHOICE SCOTT,

Plaintiff,

V.

SUMMONS IN A CIVIL ACTION

BRIAN FISCHER; GLENN GOORD;
RICHARD de SIMONE; AUDREY THOMPSON;
and JOHN DOES, Nos. 1-10 (members of the
New York State Department of Correctional
Services whose names are presently unknown
to plaintiff),

Defendants.

CASE NUMBER:

07 CV 11303

JUDGE BUCHWALD

TO: (Name and address of Defendant)

GLENN GOORD

New York State Department of Correctional Services

Harrison State Campus

Building No. 2

1220 Washington Avenue

Albany, New York 12226-2050

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

ROBERT T. PERRY

350 Broadway, Suite 1207

New York, New York 10013

(212) 219-9410

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

DEC 17 2007

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE
NAME OF SERVER (PRINT)	TITLE

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the defendant. Place where served:
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

- ☐ Returned unexecuted:

- ☐ Other (specify):

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL \$0.00
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____
Date

Signature of Server

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

U.S. Department of Justice
United States Marshals Service
Southern District of New York



500 Pearl Street, Suite 400, New York, NY 10007

**STATEMENT OF SERVICE BY MAIL AND ACKNOWLEDGMENT
OF RECEIPT BY MAIL OF SUMMONS AND COMPLAINT**

A. STATEMENT OF SERVICE BY MAIL

United States District Court
for the
Southern District of New York

Civil File Number 07CV11303 (NRB)(THK)

February 21, 2008

CHOICE SCOTT,

Plaintiff,

V.

TO: (Name and address of Defendant)

GLENN GOORD

New York State Department of Correctional Services
Harrison State Campus
Building No. 2
1220 Washington Avenue
Albany, New York 12226-2050

BRIAN FISCHER; GLENN GOORD;
RICHARD de SIMONE; AUDREY THOMPSON;
and JOHN DOES, Nos. 1-10 (members of the
New York State Department of Correctional
Services whose names are presently unknown
to plaintiff),

Defendants.

The enclosed summons and complaint are served pursuant to Fed. R. Civ. P. 4(e)(1) and section 312-a of the New York Civil Practice Law and Rules.

To avoid being charged with the expense of service upon you, you must sign, date and complete the acknowledgment part of this form and mail or deliver this original completed form to the U.S. Marshals Service within thirty (30) days from the date of this form. A self addressed envelope has been included for your convenience. You should keep a copy for your records and/or for your attorney. If you wish to consult an attorney, you should do so as soon as possible before the thirty (30) days expire.

If you do not complete and return the form to the U.S. Marshals Service within thirty (30) days, you (or the party on whose behalf you are being served) may be required to pay expenses incurred in serving the summons and complaint in any other manner permitted by law, and the cost of such service as permitted by law will be entered as a judgment against you.

The return of this statement and acknowledgment does not relieve you of the necessity to answer the complaint. The time to answer expires twenty (20) days after the day you mail or deliver this form to the U.S. Marshals Service. If you wish to consult with an attorney, you should do so as soon as possible before the twenty (20) days expire.

If you are served on behalf of a corporation, unincorporated association, partnership or other entity, you must indicate under your signature your relationship to the entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority.

It is a crime to forge a signature or to make a false entry on this statement or on the acknowledgment.

OVER>>>

CIVIL ACTION FILE NUMBER 07 Civ. 11303

CHOICE SCOTT, vs. Brian Fischer et.al.

B. ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND COMPLAINT

I received a summons and complaint. PLEASE CHECK ONE OF THE FOLLOWING;

IF 2 IS CHECKED, COMPLETE AS INDICATED:

1. ☒ I am not in military service.
2. ☐ I am in military service, and my rank, serial number and branch of service are as follows:

Rank: _____
Serial Number: _____
Branch of Service: _____

TO BE COMPLETED REGARDLESS OF MILITARY STATUS:

Date: February 21, 2008
(Date this acknowledgment is executed)

I affirm the above as true under penalty of perjury

L.A. Mancini, Esq.

Signature L.A. Mancini, Esq.
Associate Counsel, N.Y.S. D.O.C.S.
on Behalf of Defendant

Print Name

GLENN GOORD, Former Commissioner
NYS DOCS

Relationship to Entity/Authority to Receive Service
of Process (i.e., self, officer, attorney, etc.)

USMS OFFICIAL: DIANA BAERGA